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## Viewing cable 09BOGOTA849, SUBJECT: URIBE-SUPREME COURT POWER CONTINUES

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### Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

### Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09BOGOTA849**.

Reference ID	Created	Released	Classification	Origin
09BOGOTA849	2009-03-13 22:03	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

<http://www.elespectador.com/wikileaks>

VZCZCXYZ0001  
PP RUEHWEB

DE RUEHBO #0849/01 0722203  
ZNY CCCCC ZZH  
P 132203Z MAR 09  
FM AMEMBASSY BOGOTA  
TO RUEHC/SECSTATE WASHDC PRIORITY 7628  
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8730  
RUEHCV/AMEMBASSY CARACAS PRIORITY 1827  
RUEHLP/AMEMBASSY LA PAZ MAR 0003  
RUEHPE/AMEMBASSY LIMA PRIORITY 7146  
RUEHZP/AMEMBASSY PANAMA PRIORITY 3217  
RUEHQT/AMEMBASSY QUITO PRIORITY 7872  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L BOGOTA 000849

SIPDIS

E.O. 12958: DECL: 03/11/2018  
TAGS: [PREF](#) [PREL](#) [PTER](#) [SNAR](#) [KJUS](#) [CO](#)  
SUBJECT: SUBJECT: URIBE-SUPREME COURT POWER CONTINUES  
AMIDST SPYING AND CHARGES OF IDEOLOGICAL BIAS

REF: A. 09BOGOTA569  
B. 08BOGOTA3718  
C. 08BOGOTA1517

Classified By: Classified By: Political Counselor John Creamer Reasons  
1.4 (b and d)

#### SUMMARY

1. (C) The recent scandal involving the Department of Administrative Security's (DAS) surveillance of several Supreme Court justices has exacerbated the already tense relations between the Court and the GOC. The dispute, originally centered on longstanding turf battles between the Supreme and Constitutional courts and aggravated by executive branch distrust of the Court's parapolitical investigations, now includes executive branch spying on the Court and executive charges that the Court's decisions on extradition and other issues are influenced by corruption or ideological bias. Despite these claims, a Congressional investigation did not reveal evidence of criminal wrongdoing by individual justices, and the Court's makeup indicates no obvious ideological bias. End Summary

#### DAS SURVEILLANCE OF JUDGES

2. (C) On February 21, leading news magazine "Semana" reported that the DAS had illegally monitored among others, several Supreme Court justices involved in the parapolitical investigations (ref A). "Semana" reported that Auxiliary Magistrate Ivan Velasquez, the lead investigator in the parapolitical cases, was followed by DAS detectives and may have had as many as 1900 of his calls illegally tapped over two years. Other magistrates possibly monitored included Supreme Court President Francisco Ricaurte, former Criminal Chamber President Sigifredo Espinosa, and Justices Mara del Rosario Gonzalez, Yesid Ramirez, and Cesar Julio Valencia. Justices Augusto Ibanez and Leonidas Bustos reported having been harassed by unidentified armed men at their residences. Presidential Human Rights Director Program Carlos Franco confirmed to us that the DAS illegally spied on Ramirez and Velasquez.

#### RESPONSE BY THE COURT

3. (U) The Supreme Court responded to the "Semana" revelations by calling a special plenary session of all 23 magistrates on February 23 to discuss the allegations and publicly denounce the DAS's actions. Ricaurte expressed his disappointment in the way the investigation was being handled and called the scandal "a grave matter with immeasurable consequences to Colombian democracy." The Court also announced that it would file complaints with both the UN and OAS. Ricaurte and Velasquez plan to fly to Washington D.C. the week of March 16 to denounce the DAS' acts--as well as alleged executive involvement--before the Inter-American Commission on Human Rights. Colombia's four judicial entities and the Prosecutor General issued a joint statement in March 9 denouncing "national and foreign pressures" on Colombia's judicial system (see septel).

#### BATTLE BETWEEN THE COURTS AND URIBE

4. (U) The primary source of tension between the Supreme Court and President Uribe continues to center on the parapolitical investigations and the longstanding jurisdictional power struggle between the Constitutional and Supreme Court. The dispute between the courts stems from the 1991 Constitution which set up the Constitutional Court--a move deeply resented by the Supreme Court. The two Courts have sparred ever since, with both trying to gain the executive's support for their position. Since 2006, the Supreme Court perceives that President Uribe has sided with the Constitutional Court (ref B). Animosity also hardened between the Supreme Court and the executive in early 2008 when the Court accused him of interfering in its investigation of his cousin, then Senator Mario Uribe (ref

C).

#### ALLEGATIONS OF COURT TIES TO THE MAFIA

15. (U) The local media has reported on allegations against

members of the Supreme Court of possible corrupt ties to criminal and drug groups, as well as with ex-paramilitaries, but no hard evidence has surfaced. On July 31, 2007, Peace Commissioner Luis Carlos Restrepo asked the Congress' Accusations Commission (responsible for investigation of magistrates) to investigate some justices alleged ties to Giorgio Sale, an Italian mafia leader and drug trafficker with ties to ex-paramilitary leaders, including Salvatore Mancuso (extradited to the United States in 2008).

16. (C) In September 2008, the Commission questioned former Criminal Chamber President Yesid Ramrez and former Court President Carlos Nder on their relations to Sale, but found no incriminating information. Ramrez admitted to having a friendship with Sale and receiving gifts from him, but argued that they were of minor value and given openly with no intent to bribe. GOC officials, including former presidential advisor Jose Obdulio Gaviria, Presidential Secretary Bernardo Moreno, and Presidential Legal Advisor Edmundo Castillo have repeatedly told us individual magistrates had criminal links to Sale, former paramilitary leaders, and the FARC, but have never provided any proof. Franco told us he reviewed the DAS' file on its investigation of Yesid Ramirez, and found no evidence of criminal activity.

#### COURT'S POLITICAL OUTLOOK

17. (C) In addition to criminal allegations, Casa de Narino officials routinely charge that several Supreme Court magistrates have a leftist political bias or personal animosity against Uribe. Still, most magistrates are longtime judicial branch employees, and the Court's overall political makeup appears balanced. In the nine-person Criminal Chamber, four judges are affiliated with the mainstream opposition Liberal Party, four with the Uribista Conservative party, and there is one independent.

8 (U) The Court selects its members from a list of qualified candidates generated from the results of a selection process overseen by the Superior Judicial Council (CSJ). Supreme Court members then take turns choosing the next magistrate from that list. The head of the local bar association, Alfonso Clavijo, told us that university affiliation is an important element in this selection process. The Criminal Chamber is currently dominated by magistrates from the Externado University and the Bolivariana de Medellin University.

#### BROWNFIELD